

B7  
Cont

--45. The apparatus of claim 43 wherein the shared communication resource includes an interconnection of communication paths forming a switching fabric.--

--46. The apparatus of claim 43 further comprising an interface for coupling a data network to the shared communication resource, and wherein the shared communication resource is configured to pass data between the plurality of devices and the data network.--

---

### REMARKS

This application is a continuation of serial no. 08/907,812. Pending claims 1-8, 12, and 14-22 correspond to the same numbered claims in the parent application. In the parent application, in the office action mailed 6/22/99, the Examiner rejected claims 21-22 under 35 USC 102(b) over Delong (US. Pat. 3,864,521) and claims 1-8, 12 and 20 under 35 USC 103(a) over Delong in view of Kline (US Pat. 5,793,747). Applicants have amended the claims to more particularly point out and distinctly claim the invention, and address these rejections in the remarks below. Applicants have also added new claims 26-46.

#### **Rejection of claim 21 under 35 USC 102(b)**

The Examiner rejected independent claim 21 over Delong. However, Delong does not teach or suggest a polling manager that *adapts* a polling sequence in accordance with monitoring information as recited in the claim. Although Delong describes a system in which a control center polls a number of stations, the stations are always polled in a fixed sequence:

The control center 24 sequentially polls the stations 10 for process requests . . . .  
[P]olling is continuously performed beginning with station 1 and continuing to the last station, after which the polling is recycled. (col. 11, lines 12-17).

In Delong's system, there is simply no adaptation of the polling sequence of any sort, in response to monitoring information or otherwise.

**Rejection of claims 1, 15, and 17 under 35 USC 103(a)**

The Examiner rejected independent claims 1, 15, and 17 over Delong in view of Kline. Claim 1, as amended, requires "assigning communication resources ... including determining a polling pattern" and also requires "adapting the polling pattern according to the monitored transmissions." As discussed above with regard to claim 21, Delong does not teach or suggest adapting a polling pattern. His polling pattern is a fixed sequence that is repeated. Nor does Delong teach or suggest determining a polling pattern as part of assigning communication resources. Delong's sequence is predetermined and is not determined as part of assigning communication resources. Kline does not provide what is missing from Delong. In particular, Kline does not teach use of any type of polling approach, and in fact teaches away from polling, in part because "many negative polls may be required before a queue is found that requires service." (col. 1, lines 49-50). Therefore, even when combined with Kline, Delong does not make obvious the elements of claim 1.

Independent claims 15 and 17, as amended, are allowable for the same reasons as claim 1. Each of these claims requires first determining a polling pattern and then adapting the polling pattern.

**Dependent claims**

Each of the dependent claims that depend on independent claims 1, 15, 17, or 21 is allowable for at least the reasons set forth above for the respective independent claim upon which it depends.

Applicant : Aura Ganz et al.

Attorney's Docket No.: 10359-004001

Serial No. :

Filed : February 11, 2000

Page : 12

### Dependent claims

Each of the dependent claims that depend on independent claims 1, 15, 17, or 21 is allowable for at least the reasons set forth above for the respective independent claim upon which it depends.

Applicant submits that all of the claims are now in condition for allowance, which action is requested. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

8/25/00

*J. Robin Rohlicek*

\_\_\_\_\_  
J. Robin Rohlicek

Reg. No. 43,349

Fish & Richardson P.C.

225 Franklin Street

Boston, MA 02110-2804

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

20043403.doc